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15 IN THE UNITED STATES DISTRICT COURT
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17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

19 CASE NO. 2:22-cr-00228-JAM

20 Plaintiff,

21 v.
22
**STIPULATION REGARDING EXCLUDABLE
23 TIME PERIODS UNDER SPEEDY TRIAL ACT;
24 FINDINGS AND ORDER**

25 DARRELL ANDERSON and
26 RICKY PHIENEMANH,

27 DATE: October 17, 2023

28 Defendants.

TIME: 9:00 a.m.

COURT: Hon. John A. Mendez

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STIPULATION

29 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
30 through defendants' counsels of record, hereby stipulate as follows:

- 31 1. By previous order, this matter was set for status on October 17, 2023.
32 2. By this stipulation, defendants now move to continue the status conference until

33 **December 12, 2023, at 09:00 a.m.,** and to exclude time between October 17, 2023, and December 12,
34 2023, under Local Code T4.

- 35 3. The parties agree and stipulate, and request that the Court find the following:
36 a) The government has represented that the discovery associated with this case
37 includes investigative reports and related documents in electronic form including approximately
38 838 pages of documents, photographs, video and audio files, and drug lab analyses. All of this
39 discovery has been either produced directly to counsel and/or made available for inspection and

1 copying.

2 b) Counsel for defendants require additional time to review the discovery, consult
3 with their clients, review the current charges, conduct investigation and research related to the
4 charges, to discuss potential resolutions with their clients, and to otherwise prepare for trial.

5 c) Additionally, counsel for defendant Darrell Anderson currently has a trial set to
6 start on October 16, 2023 in the Placer County Superior Court case of *People v. Anthony Irace*
7 (Case No. 62-178560).

8 d) Counsel for defendants believe that failure to grant the above-requested
9 continuance would deny them the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 e) The government does not object to the continuance.

12 f) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of October 17, 2023 to December 12,
17 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
18 T4] because it results from a continuance granted by the Court at defendants' request on the basis
19 of the Court's finding that the ends of justice served by taking such action outweigh the best
20 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 11, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ ALSTYN BENNETT
ALSTYN BENNETT
Assistant United States Attorney

Dated: October 11, 2023

/s/ MICHAEL R. BARRETTE
MICHAEL R. BARRETTE
Counsel for Defendant
RICKY PHIENEMANH

Dated: October 11, 2023

/s/ JENNIFER MOUZIS
JENNIFER MOUZIS
Counsel for Defendant
DARRELL ANDERSON

ORDER

IT IS SO FOUND AND ORDERED.

Dated: October 12, 2023

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE